



IN THE  
UNITED STATES  
PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GODWIN, Antony Robert et al.

RESPONSE TO THE OFFICE

ACTION MAILED 04/02/2008

CASE: POLYT 9381 WO US

SERIAL NO.: 10/564,340

FILED ON: 01/11/2006

FOR: CONJUGATED BIOLOGICAL  
MOLECULES AND THEIR  
PREPARATION

06/05/2008 SDENB0B3 00000002 503194 10564340  
01 FC:1251 120.00 DA

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EXAMINER: BRADLEY, C.  
ART UNIT: 1654

Dear Sir:

This is a request for an extension of time to respond to the Examiner's Restriction Requirement mailed on 2<sup>nd</sup> April, 2008. Applicant hereby request the Commissioner a one (1) month extension of time to respond to the Examiner's Restriction Requirement thereby allowing Applicants until 2<sup>nd</sup> June, 2008 to respond.

Applicants authorize the Commissioner to debit Bell & Associates Deposit Account No. 50-3194 in the sum of \$120, being the fee for a (1) one-month extension of time to respond to the instant Communication.

If the Commissioner finds any additional charges or fees must be paid in connection with this communication, they may be paid out of Bell & Associates Deposit Account No. 50-3194.

Respectfully submitted,

Dated: June 2<sup>nd</sup>, 2008

Matthew R. Kaser  
(Reg. No. 44,817)  
One of Agents for Applicant



Docket No.: POLYT 9381 WO US

USPS Express Mail Service No. EB 975551165 US  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service using USPS Express Mail Service  
in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents,  
PO Box 1450, Alexandria VA 22313-1450  
on 2 June 2008  
By: [Signature]

Printed: Matthew Kaser

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: GODWIN, Antony Robert, PEDONE, Elisa, CHOI, Ji-Won, SHAUNAK,  
Sunil, and BROCCINI, Stephen James

Title:	CONJUGATED BIOLOGICAL MOLECULES AND THEIR PREPARATION		
Serial No.:	10/564,340	Filing Date:	11 <sup>th</sup> January, 2006
Examiner:	BRADLEY, Christina	Group Art Unit:	1654

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This communication is in response to the Requirement for Restriction mailed 2<sup>nd</sup>  
April, 2008, in the above-referenced application.

Applicant respectfully petitions for a one (1)-month extension of time within which  
to respond to the Office Communication, dated 2<sup>nd</sup> April, 2008, such extension allowing the  
undersigned until 2<sup>nd</sup> June, 2008 to respond.

Claims 15-36 were originally filed. In the Requirement for Restriction, the Examiner  
requested Applicant to elect claims corresponding to one of the following inventions:

Group I	Claims 15-24	drawn to a method for making compounds of formula I.
Group II	Claim 25	drawn to compounds of formula II.
Group III	Claim 26	drawn to compounds of formula III.
Group IV	Claims 27-35	drawn to compounds of formula I.
Group V	Claim 36	drawn to a method of treating a patient.

In response to the Requirement for Restriction, Applicants provisionally elect Group IV (claims 27-35) with traverse.

In the Requirement for Restriction, the Examiner stated that the inventions of Groups I-V do not relate to a single inventive concept for the following reasons: Wilbur et al. teaches compounds of formula I and methods of making them involving compounds of formula II (Wilbur et al., *Bioconjugate Chem.* (1994) 5: 220-235) and therefore unity of invention is lacking *a posteriori*.

Applicants respectfully submit that Wilbur et al. teach none of the compounds of the invention and that the Examiner is in error in making a Requirement for Restriction. Applicants submit that inspection of the compounds disclosed by Wilbur et al., (see Figure 2 of Wilbur et al.) and of Formula I, II, and III, of the instant invention, clearly distinguishes the invention over the compounds disclosed by Wilbur et al. and that Formula I, II, and III are novel.

The Examiner is respectfully reminded that, upon allowance of the claims to the above products, the process for making and using same, i.e., the claims of Groups I, II, III, and V, must be rejoined. See the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of In re Ochiai, In re Brouwer and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. Thus, Applicants respectfully request reconsideration of the Restriction Requirement and examination of Groups I-V, claims 15-36.

The Examiner requested that an election of species of polymer be made. The Examiner stated that these polymer species are deemed to lack unity of invention because they are not so linked as to form a general inventive concept under PCT Rule 13.1.

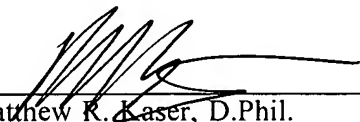
Applicants provisionally elect the polymer of polyalkylene glycols with traverse. Applicants respectfully submit that the Examiner has erred in making the restriction, in that the species are representatives of a single genus (organic and biological polymers) well known to those of skill in the art for preparing conjugated biological molecules, and that examination would therefore not constitute a serious burden.

Thus, Applicants respectfully request reconsideration of the Restriction Requirement and examination of the genus of polymers.

Please charge Deposit Account No. **50-3194** in the amount of **\$120.00** as set forth in the enclosed transmittal letter. However, if the USPTO determines that an additional fee is due, the Commissioner is hereby authorized to charge Bell & Associates' Deposit Account No. **50-3194**.

Respectfully submitted,

Date: 2<sup>nd</sup> June 2008

  
\_\_\_\_\_  
Matthew R. Kaser, D.Phil.  
Reg. No. 44,817

Bell & Associates  
201 Warren Drive, Suite 100  
San Francisco, California 94131  
Phone: (510) 537-2040  
Fax: (415) 276-6040

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/564,340

Filing Date

11 January 2006

First Named Inventor

GODWIN, Antony Robert

Art Unit

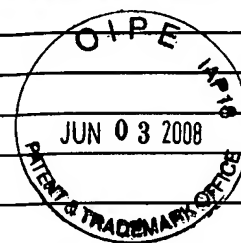
1654

Examiner Name

BRADLEY, Christina

Attorney Docket Number

POLYT 9381 WO US

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

Return Receipt Postcard

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Bell &amp; Associates

Signature

Printed name

Matthew Kaser

Date

2 JUNE 2008

Reg. No.

44,817

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Matthew Kaser

Date

2 June 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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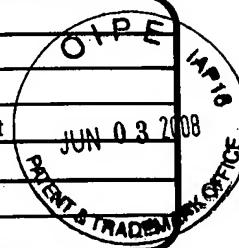
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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2008**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 120.00

**Complete if Known**

Application Number	10/564,340
Filing Date	11 January 2008
First Named Inventor	GODWIN Antony Robert
Examiner Name	BRADLEY, Christina
Art Unit	1654
Attorney Docket No.	POLYT 9381 WO US

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-3194 Deposit Account Name: Bell & Associates

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

210	105
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Multiple dependent claims

370	185
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP =	x	=	
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HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =	x	=	
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HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims**

Fee (\$)	Fee Paid (\$)
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**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 =	/ 50 =	(round up to a whole number) x	=	
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**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Extension of time to respond, one month @ \$120

Fees Paid (\$)

120

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 44,817	Telephone (510) 537-2040
Name (Print/Type)	Matthew Kaser	Date 2 June 2008	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Complete if Known**

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Examiner Name	BRADLEY, Christina
Art Unit	1654
Attorney Docket No.	POLYT 9381 WO US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 50-3194 Deposit Account Name: Bell & Associates

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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**4. OTHER FEE(S)**

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Fees Paid (\$)

Other (e.g., late filing surcharge): Extension of time to respond, one month @ \$120 120

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Signature		Registration No. (Attorney/Agent) 44,817	Telephone (510) 537-2040
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